

Application No. 10/000,276
Amendment Dated 3/11/05
Reply to Office Action of 11/24/04

REMARKS

This Amendment is submitted in response to the Office Action mailed on November 24, 2004. Claims 1, 5, 17, 18, 19, 21, 23, 32, 34, 35, 44, 50 and 54 have been amended, and claims 2, 3, 20, 33, 51 and 52 have been canceled without prejudice or disclaimer. New claims 56-111 have been added. Claims 14, 16, 27, 29, 39, 41, 45 and 47 stand withdrawn from consideration pursuant to a restriction raised by Examiner. Claims 1, 4-13, 15, 17-19, 21-26, 28, 30-32, 34-38, 40, 42-44, 46, 48-50 and 53-111 remain in the present application. Applicants note and appreciate Examiner's indication of the allowability of claims 3, 6-11, 15, 21-25, 28, 33-37, 40, 46 and 52-54. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Species Election

Applicants confirm the verbal election made on November 18, 2004 and provisionally elect with traverse the claims of Species II, directed to the blade member, for prosecution on the merits and without prejudice to filing a divisional application directed to the non-elected claims. Claims 13, 15, 26, 28, 38, 40, 44, 46, 55, 65, 66, 77, 78, 87, 88, 96, 97, 105 and 106 read on the elected species, with claims 13, 26, 38, 44, 55, 65, 77, 87, 96 and 105 being generic claims. In the event the generic claims are found by Examiner to be allowable, Applicants request consideration of non-elected

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claims 14, 16, 27, 29, 39, 41 and 45. Applicants also reserve the right to present new claims depending from independent claims 56, 67, 79, 89 and 98 that are directed to the non-elected species of crush limiting members.

Claim Objections

Applicants have amended claim 19 as suggested by Examiner and request that the objection be withdrawn. Claim 19 has further been amended to substitute "inclined walls" for the recited "lips" to be consistent with the "inclined walls" recited in other claims. Support for this amendment is found at Page 10, lines 7-10 of Applicants' disclosure.

Allowable Subject Matter

Allowable dependent claim 3 has been substantially rewritten in independent form as new independent claim 56. The recitation of "said first and second apexes defining said inlet orifice" found in dependent claim 2, from which allowable claim 3 depends, has been removed since the inlet orifice is now recited in new independent claim 56 as comprising a single slit formed in only one of the first and second apexes. Applicants submit that new independent claim 56, and claims 57-66 depending therefrom, are allowable over the prior art of record.

Independent claim 32 has been amended to incorporate the allowable subject matter of dependent claim 33. Applicants submit that independent claim 32,

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and claims 34-38, 40, 42 and 43 depending therefrom, are allowable over the prior art of record.

Independent claim 50 has been amended to substantially incorporate the allowable subject matter of dependent claim 52. The recitation of "said first and second apexes defining said inlet orifice" found in dependent claim 52 has been removed since the inlet orifice is now recited in new independent claim 50 as comprising a single slit formed in only one of the first and second apexes. Applicants submit that independent claim 50, and claims 53-55 depending therefrom, are allowable over the prior art of record.

Allowable dependent claim 53 has been rewritten in independent form as new independent claim 67. Applicants submit that new independent claim 67, and claims 68-78 depending therefrom, are allowable over the prior art of record.

Lastly, allowable dependent claim 54 has been rewritten in independent form as new independent claim 79. The recitation of "isolating member" found in claim 54 has been changed to "isolation member" in new independent claim 79 to be consistent with the "isolation member" recited in other claims. Applicants submit that new independent claim 79, and claims 80-88 depending therefrom, are allowable over the prior art of record.

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Prior Art Rejections

Claims 1, 4, 13, 17, 26, 30, 31, 44, 48 and 49 stand rejected under 35 U.S.C. §102(b) as being anticipated by Soucy, U.S. Patent No. 3,387,624. Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Atkinson, U.S. Patent No. 4,434,810. Claims 1, 5, 12, 38, 42 and 43 stand rejected under 35 U.S.C. §102(b) as being anticipated by Boehmer et al., U.S. Patent No. 4,924,923. Claims 17-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Djordjevitch, U.S. Patent No. 3,066,767. Lastly, claims 50, 53 and 55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davis, U.S. Patent No. 5,429,620 in view of Baumbach, U.S. Patent No. 3,565,106. While Applicants respectfully traverse these rejections, Applicants have amended each of independent claims 1, 17, 32, 44 and 50 to more sharply define the present invention over the prior art of record and respectfully request that the rejections be withdrawn.

With respect to the rejection of independent claim 1 as being anticipated by Soucy, Applicants have amended independent claim 1 to recite that the double-duckbill valve has a first duckbill structure having a first pair of inclined walls terminating at a first apex, a second duckbill structure oriented perpendicular to the first duckbill structure and having a second pair of inclined walls terminating a second apex, and an inlet orifice comprising a single slit formed in only one of the first and second apexes. In contrast, the closure of Soucy, as shown in the embodiment of Fig. 10, has an

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egress passage that is defined by a pair of perpendicular slits. Accordingly, Applicants submit that Soucy taken alone, or in combination with the other prior art of record, fails to teach or suggest a double-duckbill valve having an inlet orifice comprising a single slit formed in only one of the first and second apexes as claimed by Applicants in amended independent claim 1 and the rejection should be withdrawn.

With respect to the rejections of dependent claims 13 and 26, and independent claim 44, as being anticipated by Soucy, Applicants submit that the four rigid ribs (11) linked by the elastically elongatable ties (12) of Soucy are not a crush limiting member as claimed. Rather, the ribs (11) and ties (12) of Soucy serve the opposite function of fully collapsing the egress passage of the closure and thus do not perform any crush limiting function. Accordingly, Applicants submit that Soucy taken alone, or in combination with the other prior art of record, fails to teach or suggest a crush limiting member as recited in dependent claims 13 and 26, and independent claim 44, and the rejections of these claims should be withdrawn.

With respect to the rejection of independent claim 17 as being anticipated by Soucy, Applicants have amended independent claim 17 to recite the combination of a valve member having a normally closed inlet orifice, an elastomeric band disposed about the valve member and operable to urge the inlet orifice to a closed position, a flexible valve housing defined by at least one flexible wall, and an isolation member extending from the wall to the valve member with the valve member being supported in

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the valve housing in spaced relationship with the wall by the isolation member so as to be actuatable. Applicants respectfully submit that Soucy taken alone, or in combination with the other prior art of record, fails to teach the combination of elements recited in amended independent claim 17 and the rejection should be withdrawn.

With respect to the rejection of independent claim 1 as being anticipated by Atkinson, Examiner takes the position that the valve of Atkinson is a double-duckbill valve. Applicants respectfully traverse Examiner's position since the valve of Atkinson is rather a single duckbill valve having a pair of diametrically positioned, radially projecting stiffening ribs (42) formed integrally with the main body portion (32) of the valve (see Col. 4, lines 57-68). Applicants submit that the stiffening ribs (42) of Atkinson do not define a second-duckbill structure so that the valve of Atkinson cannot be considered a double-duckbill valve as claimed by Applicants in independent claim 1. In any event, independent claim 1 now recites that the first and second duckbill structures have respective first and second pairs of "inclined walls" terminating at first and second apexes. The stiffening ribs of Atkinson are not inclined walls. Accordingly, Applicants submit that Atkinson taken alone, or in combination with the other prior art of record, fails to teach or suggest the combination of elements recited in amended independent claim 1 and the rejection should be withdrawn.

With respect to the rejection of independent claim 1 as being anticipated by Boehmer et al., Applicants submit that the check valve (30) of Boehmer et al. is

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provided with a pair of perpendicular slits in the form of a right angled cross (see Col. 3, lines 40-52). Applicants respectfully submit that Boehmer et al. fails to teach or suggest a double-duckbill valve having an inlet orifice comprising a single slit formed in only one of the first and second apexes as claimed by Applicants in amended independent claim 1 and the rejection should be withdrawn.

With respect to the rejection of dependent claim 38 as being anticipated by Boehmer et al., Applicants submit that Boehmer et al. is completely silent regarding a crush limiting member as claimed. The thickened cylindrical base (35) (identified by Examiner as numeral (30)) comprises a circumferential skirt portion of the valve (30) which forms an umbrella seal normally closing the vent (22) in the flange (22) (see Col. 3, lines 17-27). Applicants submit that the thickened cylindrical base (35) does not serve as a crush limiting member for the valve (30) as claimed and the rejection should be withdrawn.

With respect to the rejection of claim 17 as being anticipated by Djordjevitch, Applicants respectfully submit that the shock absorber cylinder (12) of Djordjevitch (Fig. 27) is, by necessity, rigid and therefore does not comprise a "flexible" valve housing defined by at least one "flexible" wall as recited in amended independent claim 17. Accordingly, Applicants respectfully submit that Djordjevitch taken alone, or in combination with the other prior art of record, fails to teach or suggest the combination

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of elements recited in amended independent claim 17 and the rejection should be withdrawn.

New independent claim 89 recites a urinary catheter comprising the combination of a urine discharge passageway, a valve member associated with the urine discharge passageway and having a normally closed inlet orifice operable to control urine flow therethrough, a valve housing defined by at least one wall and an isolation member extending from the wall to the valve member with the valve member being supported in the valve housing in spaced relationship with the wall by the isolation member. Applicants respectfully submit that the combination of elements recited in independent claim 89 is not taught or suggested by the prior art of record and the claim is allowable.

New independent claim 98 recites a urinary flow control valve comprising the combination of a valve member adapted to fluidly communicate with a urine discharge passageway and having an inlet orifice operable to control urine flow therethrough, a flexible valve housing defined by at least one flexible wall, and an isolation member extending from the wall to the valve member with the valve member being supported in the valve housing in spaced relationship with the wall by the isolation member so as to be actuatable. Applicants respectfully submit that the combination of elements recited in independent claim 98 is not taught or suggested by the prior art of record and the claim is allowable.

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Moreover, as claims 4-13, 15, 18, 19, 21-26, 28, 30, 31, 34-38, 40, 42, 43, 46, 48, 49, 53-55, 57-66, 68-78, 80-88, 90-97 and 99-111 depend from allowable independent claims 1, 17, 32, 44, 50, 56, 67, 79, 89 and 98, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please charge Deposit Account No. 23-3000 in the amount of \$1,550.00 for the 42 additional claims and 5 additional independent claims as required by 37 C.F.R. § 1.16(b) and (c). Also, please charge Deposit Account No. 23-3000 in the amount of \$60.00 for the one month extension fee as set forth in 37 C.F.R. § 1.136(a). If any additional fees are deemed necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

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Respectfully submitted,

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